

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA,) Criminal Case 03-467-A
)
Plaintiff,) Senior Judge Leonard D. Wexler
)
vs.) Count 1: 21 U.S.C. § 846
) (Conspiracy To Traffic In
WILLIAM ELIOT HURWITZ,) Controlled Substances)
)
Defendant.) Counts 2-3: 21 U.S.C. § 841
) (Drug Trafficking Resulting
) In Death)
)
) Counts 4-6: 21 U.S.C. § 841
) (Drug Trafficking Resulting
) In Serious Bodily Injury)
)
) Counts 7-45: 21 U.S.C. § 841
) (Drug Trafficking
) Distributions)
)
) Count 46: 21 U.S.C. § 848
) (Engaging in Continuing
) Criminal Enterprise)
)
) Counts 47-49: 18 U.S.C. § 1347
) (Health Care Fraud)
)
) Forfeiture: 21 U.S.C. § 853
) (Forfeiture Of Drug Assets)

INDICTMENT

September 2003 Term - Alexandria

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

Introduction

1 Beginning in or about 1990, the defendant, WILLIAM
ELIOT HURWITZ ("HURWITZ"), was a chronic pain management doctor,
whose medical office at various times served as a continuing
criminal enterprise that allowed him to treat the demand of

numerous patients and conspirators, to whom HURWITZ issued countless prescriptions for excessive dosages (sometimes up to 600 pills per day) of controlled substances, many of which were beyond the bounds of medical practice. HURWITZ issued a number of prescriptions for controlled substances despite actual knowledge that patients were abusing, misusing, and distributing the drugs. On several occasions, HURWITZ's dosages resulted in deaths and overdoses.

Background On Defendant

1 HURWITZ was born on October 30, 1945, in Boston, Massachusetts. In January, 1971, HURWITZ received a medical degree from Stanford University in Palo Alto, California. In 1996, HURWITZ received a law degree from George Mason University in Fairfax, Virginia.

General Allegations And Terminology

2 The Controlled Substances Act ("CSA") governs the manufacture, distribution, and dispensation of controlled substances in the United States. The CSA and the Code of Federal Regulations ("CFR") contain definitions relevant to this indictment, some of which are set forth below.

3 The term "controlled substance" means a drug or other substance, or immediate precursor, included in Schedule I, II, III, IV, and V, as designated by Title 21 of the United States Code, Section 802(c)(6), and the CFR.

4 The term "Schedule II" means the drug or other substance has a high potential for abuse; the drug has a currently accepted medical use with severe restrictions; and abuse of the drug or other substances may lead to severe psychological or physical dependence.

5 The term "dispense" means to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance.

6 The term "distribute" means to deliver (other than by administering or dispensing) a controlled substance.

7 The term "practitioner" means a medical doctor, physician, or other individual licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which she or he practices, to dispense a controlled substance in the course of professional practice.

8 The Drug Enforcement Administration ("DEA") issues registration numbers to qualifying doctors, who become authorized to dispense Schedule II, III, IV, and V controlled substances. To issue a prescription for a controlled substance, a doctor must have a DEA registration number for each location in which they are practicing medicine.

9 A prescription for a controlled substance violates the Controlled Substances Act and CFR if it is issued beyond the

bounds of medical practice or is not for a legitimate medical purpose in the usual course of a professional practice.

10 The term "dosage" is the amount, frequency, and number of doses of medication authorized by a practitioner, who has been issued a DEA registration number.

11 The term "titration" is to prescribe medication so that patients have optimal pain relief with minimal side effects.

12 The purpose of a urine test is to determine if the prescribed medications and/or illicit drugs (e.g., cocaine and marijuana) are present in the urine.

13 The purpose of a serum test is to determine the level of prescribed medications and/or illicit drugs (e.g., cocaine and marijuana) in a patient's blood.

14 The term "serious bodily injury" means bodily injury which involves a substantial risk of death, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Charged Controlled Substances

15 OxyContin, which is also known as "Oxy," "Hillbilly Heroin," "Killer," and "Coffin," is a Schedule II controlled substance whose active ingredient is oxycodone. Demand for OxyContin has grown to epidemic proportions in parts of Kentucky, Tennessee, and southwest Virginia, and other parts of the United States where drug dealers can sell an 80 mg OxyContin pill on the street for \$80 to \$100 or more.

16 OxyContin, which is a brand name pill designed, manufactured, and promoted by Purdue Pharma to be a safer and less abusable drug for the treatment of chronic pain, is an analgesic-narcotic that contains oxycodone. Introduced to the market in or about 1995, OxyContin is a pill that gradually releases steady amounts of narcotics for 12 hours. OxyContin pills have contained dosages of 20 mg, 40 mg, 80 mg, and 160 mg.

17 OxyContin and other Schedule II drugs have a high potential for abuse and can be crushed and snorted or dissolved and injected to get an immediate high. This abuse can lead to addiction and overdose, and, sometimes death. The injection method of abuse of OxyContin (and other drugs) oftentimes leaves highly visible scars and ulcers on a patient's arms. Many of those who misuse or are addicted to OxyContin frequently abuse cocaine and crack cocaine to offset the sometimes numbing effects of OxyContin.

18 OxyFast is a brand name liquid that contains oxycodone.

19 Roxicodone, also known as "Roxy," is a brand name pill that contains oxycodone.

20 Percocet, also known as "Perc," is a brand name pill that contains oxycodone.

21 Darvon is a brand name pill that contains propoxyphene, a Schedule IV controlled substance.

22 Dilaudid, also known as "K-4," and "D," is a brand name pill that contains hydromorphone, a Schedule II controlled substance.

23 Lortab, also known as "Tab," is a brand name pill that contains hydrocodone, a Schedule II controlled substance.

24 Methadone, also known as "Meth," is a generic pill that contains methadone hydrochloride, a Schedule II controlled substance.

25 Morphine Sulfate Immediate Release, also known as "MSIR," is a brand name pill that contains morphine, a Schedule II controlled substance.

26 Seconal is a brand name pill that contains secobarbital, a Schedule II controlled substance.

Defendant's Licenses And Pain Practices

27 On or about December 5, 1977, HURWITZ received his medical license from the Commonwealth of Virginia. HURWITZ also had a medical license from Washington, D.C.

28 At various times from in or about 1990 to in or about January, 2003, HURWITZ practiced medicine in either Washington, D.C., or Virginia. HURWITZ specialized in chronic pain treatment and management.

29 On September 24, 1991, HURWITZ's medical license from the District of Columbia was summarily suspended and later rescinded for improper prescriptions beyond the bounds of medical practice, which included issuing prescriptions to a non-patient.

In June, 1992, HURWITZ was placed on probation for one year. In or about 1996, HURWITZ's D.C. license was again suspended for unauthorized prescriptions. In 2000, HURWITZ was placed on probation.

30 On May 14, 1996, the Virginia Board of Medicine ("Board") issued an order that summarily suspended HURWITZ's license and unanimously determined that his practice "constitute[d] a substantial danger to the public health and safety" because he "indiscriminately and excessively prescribed" controlled substances to thirty patients and because of two January, 1996 overdose deaths of his patients.

31 On August 10, 1996, the Board issued an order concluding, among other things, that HURWITZ had inadequately evaluated, and prescribed excessive amounts of narcotics to, several patients.

32 From in or about the Fall of 1997 to in or about the Spring of 1998, as required by the Board, HURWITZ received a combined total of about 120 hours of counseling and guidance on proper techniques for pain treatment from instructors at the Johns Hopkins University Medical Center, Baltimore, Maryland, and the Addiction Research Center of the National Institute of Drug and Alcohol Abuse.

33 From in or about July, 1998, to in or about January, 2003, in McLean, Virginia, within the Eastern District of Virginia, HURWITZ maintained a chronic pain practice.

34 On May 28, 2003, the Board placed HURWITZ on probation for improperly treating several pain patients, three of whom died from overdoses while under his care from the excessive amounts of controlled substances prescribed by HURWITZ: Rennie Buras, Sr. (died October 9, 1999); Linda Lalmond (June 1, 2000); and Mary Nye (November 4, 2002).

THE GRAND JURY FURTHER CHARGES THAT:

35 Paragraphs 1 through 35 of the indictment are realleged and incorporated into Count 1 of this indictment.

36 Beginning in or about July, 1998, and continuing to in or about January, 2003, within the Eastern District of Virginia, and elsewhere, the defendant, WILLIAM ELIOT HURWITZ, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree together with others known and unknown to the grand jury to knowingly, intentionally, and unlawfully distribute and dispense a mixture and substance containing a detectable amount of hydrocodone, methadone hydrochloride, hydromorphone, morphine, oxycodone, propoxyphene, and secobarbital, not for a legitimate medical purpose and beyond the bounds of medical practice, in violation of Title 21, United States Code, Section 841(a)(1).

37 Death and serious bodily injury resulted from the use of the substances so distributed.

Nature And Purpose Of Conspiracy

The purposes of the conspiracy included, but were not limited to, the following:

38 To make as much money as possible by distributing and dispensing controlled substances such as methadone hydrochloride, hydrocodone, hydromorphone, morphine, oxycodone, propoxyphene, and secobarbital to patients, other drug users, and conspirators.

39 To facilitate the re-distribution of controlled substances, including, but not limited to, oxycodone, hydromorphone, and methadone hydrochloride, to drug users.

40 To satisfy the demand for the illegal distribution, sale, and consumption of controlled substances, including, but not limited to, oxycodone, hydromorphone, and methadone hydrochloride, in the northern Virginia area and elsewhere, including, but not limited to, southwest Virginia, Tennessee, and Kentucky.

Ways, Manners, And Means Of The Conspiracy

41 During the course and in furtherance of the conspiracy, HURWITZ distributed and dispensed, and did aid and abet the distribution and dispensing of controlled substances, including, but not limited to, oxycodone, hydromorphone, and methadone hydrochloride.

42 During the course and in furtherance of the conspiracy, HURWITZ prescribed excessive amounts of controlled substances to patients, including conspirator patients, thereby causing, aiding, abetting, and facilitating the misuse, abuse, and subsequent distribution of these controlled substances.

43 During the course and in furtherance of the conspiracy, HURWITZ prescribed excessive amounts of controlled substances, including, but not limited to, oxycodone, hydromorphone, and methadone hydrochloride, with the knowledge and understanding

that these controlled substances were being further distributed by his conspirator patients.

44 During the course and in furtherance of the conspiracy, conspirators acquired large quantities of controlled substances from HURWITZ for personal use and distribution.

45 During the course and in furtherance of the conspiracy, conspirators distributed controlled substances obtained from HURWITZ to others for personal use and subsequent distribution.

46 During the course and in furtherance of the conspiracy, patients and conspirators visited HURWITZ's medical offices in McLean, Virginia, on at least a monthly or quarterly basis for the purpose of obtaining, abusing, and distributing large quantities of prescription narcotics.

47 During the course and in furtherance of the conspiracy, HURWITZ inquired of, directed, and organized various independent pharmacies to maintain large inventories of his prescribed narcotics so that his patients and conspirators had reliable sources of prescriptions.

48 During the course and in furtherance of the conspiracy, HURWITZ aided, abetted, and facilitated patients' and conspirators' efforts to defraud health care companies and benefit programs into reimbursing the cost of filling the prescriptions he issued for excessive quantities of controlled substances.

49 During the course and in furtherance of the conspiracy, HURWITZ frequently issued "split scripts," which entailed the writing of several lower quantity prescriptions designed to avoid detection by various health care companies of the excessive quantities of controlled substances HURWITZ prescribed.

50 During the course and in furtherance of the conspiracy, HURWITZ maintained an internet website through which patients and conspirators from as far away as Louisiana, Texas, and Kentucky received confirmation of the issuance of their narcotics prescriptions.

51 During the course and in furtherance of the conspiracy, patients and conspirators from as many as 39 states, the District of Columbia, and Canada communicated with HURWITZ via telephone, facsimile, and the internet for the purpose of requesting HURWITZ to issue prescriptions for excessive quantities of controlled substances.

52 During the course and in furtherance of the conspiracy, HURWITZ issued narcotics prescriptions from his home in McLean, Virginia, to patients who visited him there.

53 During the course and in furtherance of the conspiracy, HURWITZ charged his patients \$1,000 as a "patient initiation fee" and up to \$250 per month as a "maintenance fee" for the issuance of prescriptions for excessive quantities of controlled substance.

54 During the course and in furtherance of the conspiracy, HURWITZ frequently prescribed narcotics to patients and conspirators at the first appointment without conducting a physical examination of the patient to verify the claimed illness or condition.

55 During the course and in furtherance of the conspiracy, HURWITZ prescribed controlled substances to approximately 470 patients, only a few of whom were terminally ill.

56 During the course and in furtherance of the conspiracy, HURWITZ distributed and dispensed prescription drugs to patients and conspirators without seeing HURWITZ, visiting his office, or receiving any examination.

57 During the course and in furtherance of the conspiracy, HURWITZ rapidly increased the dosages of controlled substances prescribed knowing that the use of these amounts would result in certain dependence and addiction.

58 During the course and in furtherance of the conspiracy, HURWITZ rapidly increased the dosages of controlled substances prescribed, thereby requiring the patients to return frequently to HURWITZ to obtain excessive amounts of these controlled substances and insuring their payment of HURWITZ's monthly maintenance fees.

59 During the course and in furtherance of the conspiracy, HURWITZ rarely, if ever, counseled his patients regarding

alternative treatments, such as physical therapy, psychological or addiction counseling, or surgery.

60 During the course and in furtherance of the conspiracy, HURWITZ frequently issued narcotics prescriptions despite obvious physical signs of drug abuse by many of his patients and conspirators, such as failed urine drug screen tests that showed, in some cases, positive tests for controlled substances not prescribed by HURWITZ (indicating likely narcotics abuse) and, in other cases, negative results for the opioids prescribed (indicating likely distribution of the medications prescribed).

61 During the course and in furtherance of the conspiracy, HURWITZ frequently issued prescriptions for narcotics to patients and conspirators despite obvious indications ("red flags") that such patients and conspirators were abusing, misusing, and distributing the controlled substances he prescribed, including, but not limited to, the following: frequent excuses by patients describing lost or stolen prescriptions; urine and blood tests conducted by HURWITZ that showed the patient tested positive for illicit narcotics (sign of abuse); urine and blood tests conducted by HURWITZ that showed the patient tested negative for the medications prescribed (sign of diversion); track and ulcer marks found on patients' arms (indication of intravenous injections); cocaine rashes on patient's skin; patient self-reports of prior history of addiction; and patient self-reports

of arrest(s) for distributing the medications prescribed by HURWITZ.

62 During the course and in furtherance of the conspiracy, conspirator patients colluded with HURWITZ on various ways to continue to obtain excessive amounts of controlled substances, including ways to avoid triggering red flags and conceal and explain away evidence of red flags.

63 During the course and in furtherance of the conspiracy, HURWITZ received secret cash payments from conspirators for ignoring and condoning the conspirators' red flags.

64 During the course and in furtherance of the conspiracy, HURWITZ solicited patients during their medical visits to contribute to his legal defense fund.

65 During the course and in furtherance of the conspiracy, HURWITZ continued to prescribe excessive amounts of controlled substances knowing that these distributions have resulted in numerous overdoses, and, in some cases, deaths to his patients, including, but not limited to, Linda Lalmond, Mary Nye, and Rennie Buras, Sr.

66 During the course and in furtherance of the conspiracy, HURWITZ and conspirators obtained substantial income and resources from their illegal distribution of controlled substances.

Overt Acts In Furtherance Of The Conspiracy

In furtherance of the conspiracy and to effect the objects thereof, HURWITZ and his conspirators committed overt acts in the Eastern District of Virginia and elsewhere including, but not limited to, the following:

67 In or about May, 1998, HURWITZ met with several independent pharmacists to discuss arrangements for the referral of HURWITZ's patients to the pharmacists, who agreed to fill HURWITZ's prescriptions after he resumed his pain practice in or about July, 1998.

68 On or about February 2, 1999, in McLean, Virginia, HURWITZ prescribed controlled substances to Rennie Buras, Sr. after an initial patient visit.

69 On or about February 2, 1999, in McLean, Virginia, HURWITZ, following the initial visit, began distributing and dispensing excessive dosages of controlled substances by telephone and email to Rennie Buras, Sr.

70 On or about October 5, 1999, in McLean, Virginia, HURWITZ prescribed excessive dosages of Methadone, Dilaudid, and Seconal to Rennie Buras, Sr., which were delivered to the patient by FedEx delivery.

71 On or about October 9, 1999, in Plaquemines Parish, Louisiana, Rennie Buras, Sr., consumed a portion of the Methadone, Dilaudid, and Seconal distributed and dispensed by HURWITZ, which caused Buras' death.

72 On or about May 30, 2000, in McLean, Virginia, HURWITZ, following the initial visit, distributed and dispensed excessive dosages of morphine to Linda Lalmond.

73 On or about May 31, 2000, in McLean, Virginia, HURWITZ, following the second visit, distributed and dispensed excessive dosages of morphine to Linda Lalmond.

74 On or about May 31, 2000, within the Eastern District of Virginia, Linda Lalmond consumed a portion of the morphine distributed and dispensed by HURWITZ, which caused Lalmond's death on or about June 1, 2000.

75 On or about June 27, 2000, in McLean, Virginia, HURWITZ prescribed controlled substances to Mary Nye after an initial patient visit.

76 On November 6, 2000, in McLean, Virginia, HURWITZ rapidly escalated the excessive dosages he had been prescribing to conspirator Peter Tyskowski.

77 On or about December 4, 2000, in McLean, Virginia, HURWITZ issued an excessive prescription for OxyContin (up to 30 pills per day) to Patient TMR, who was in her 33d week of pregnancy and whom HURWITZ knew was pregnant.

78 On or about December 13, 2000, HURWITZ's prescription resulted in serious bodily injury to Patient TMR's baby, which was born with an addiction to controlled substances prescribed by HURWITZ and consumed by TMR.

79 In or about January, 2001, in McLean, Virginia, at the home of HURWITZ, conspirators Kevin Fuller and Cindy Horn received prescriptions for OxyContin and other controlled substances.

80 In or about January, 2001, in Fairfax, Virginia, HURWITZ and a pharmacist met with conspirators Kevin Fuller and Cindy Horn and encouraged her to consume more OxyContin pills, a portions of which they would distribute to others.

81 On or about November 8, 2001, in or about Pikeville, Kentucky, conspirator Kathy Shortridge requested via facsimile that HURWITZ issue prescriptions for various controlled substances for FedEx delivery to her home.

82 On or about November 9, 2001, within the Eastern District of Virginia, HURWITZ reviewed the medical laboratory report showing conspirator Robert Woodson's urine was positive for cocaine.

83 On or about March 1, 2002, in McLean, Virginia, HURWITZ prescribed excessive dosages of OxyContin after Rita Carlin had told him that she had previously injected her prescribed medications.

84 On or about February 21, 2002, in McLean, Virginia, HURWITZ prescribed excessive dosages of controlled substances, including OxyContin and Methadone, to conspirator Timothy Urbani.

85 On or about March 7, 2002, in Bristol, Tennessee, conspirator Timothy Urbani possessed with intent to distribute OxyContin, which he had obtained from HURWITZ.

86 On or about August 5, 2002, in McLean, Virginia, HURWITZ prescribed excessive dosages of Methadone to Mary Nye.

87 On or about September 12, 2002, in Manassas, Virginia, Mary Nye consumed a portion of the Methadone distributed and dispensed, which caused Nye's overdose and serious bodily injury.

88 On or about October 31, 2002, HURWITZ prescribed Darvon over the telephone to Mary Nye without an office visit.

89 On or about November 1, 2002, HURWITZ prescribed Darvon over the telephone to Mary Nye without an office visit.

90 On or about November 4, 2002, in Manassas, Virginia, Mary Nye died as a result of ingesting the Darvon prescribed by HURWITZ.

(In violation of Title 21, United States Code, Section 846)

THE GRAND JURY FURTHER CHARGES THAT:

91. Paragraphs 1 through 35 of the indictment are realleged and incorporated into Count 2 of this indictment.

1. On or about May 30, 2000, within the Eastern District of Virginia, the defendant, WILLIAM ELIOT HURWITZ, did knowingly, intentionally, and unlawfully distribute and dispense a mixture and substance containing a detectable amount of morphine, a Schedule II controlled substance, not for a legitimate medical purpose and beyond the bounds of medical practice, to Linda Lalmond.

2. Death resulted from the use of the substance so distributed.

(In violation of Title 21, United States Code, Section 841(a))

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 35 of the indictment are realleged and incorporated into Count 3 of this indictment.

2. On or about October 5, 1999, within the Eastern District of Virginia, the defendant, WILLIAM ELIOT HURWITZ, did knowingly, intentionally, and unlawfully distribute and dispense a mixture and substance containing a detectable amount of hydromorphone, also known as "Dilaudid," methadone hydrochloride, also known as "Methadone," and secobarbital, also known as "Seconal," Schedule II controlled substances, not for a legitimate medical purpose and beyond the bounds of medical practice, to Rennie Buras, Sr.

3. Death resulted from the use of the substances so distributed.

(In violation of Title 21, United States Code, Section 841(a))

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 35 of the indictment are realleged and incorporated into Count 4 of this indictment.

2. On or about August 9, 1999, within the Eastern District of Virginia, the defendant, WILLIAM ELIOT HURWITZ, did knowingly, intentionally, and unlawfully distribute and dispense a mixture and substance containing a detectable amount of hydromorphone, also known as "Dilaudid," methadone hydrochloride, also known as "Methadone," and secobarbital, also known as "Seconal," Schedule II controlled substances, not for a legitimate medical purpose and beyond the bounds of medical practice, to Rennie Buras, Sr.

3. Serious bodily injury resulted from the use of the substances so distributed.

(In violation of Title 21, United States Code, Section 841(a))

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 35 of the indictment are realleged and incorporated into Count 5 of this indictment.

2. On or about August 5, 2002, within the Eastern District of Virginia, the defendant, WILLIAM ELIOT HURWITZ, did knowingly, intentionally, and unlawfully distribute and dispense a mixture and substance containing a detectable amount of OxyContin and Methadone, Schedule II controlled substances, not for a legitimate medical purpose and beyond the bounds of medical practice, to Mary Nye.

3. Serious bodily injury resulted from the use of the substances so distributed.

(In violation of Title 21, United States Code, Section 841(a))

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 35 of the indictment are realleged and incorporated into Count 6 of this indictment.

2. On or about October 23, 2001, within the Eastern District of Virginia, the defendant, WILLIAM ELIOT HURWITZ, did knowingly, intentionally, and unlawfully distribute and dispense a mixture and substance containing a detectable amount of Dilaudid, oxycodone, and morphine, Schedule II controlled substances, not for a legitimate medical purpose and beyond the bounds of medical practice, to Peter Tyskowski.

3. Serious bodily injury resulted from the use of the substances so distributed.

(In violation of Title 21, United States Code, Section 841(a))

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 35 of the this indictment are realleged and incorporated into Counts 7-45 of this indictment.

2. On or about the below-listed dates, within the Eastern District of Virginia, the defendant, WILLIAM ELIOT HURWITZ, did knowingly, intentionally, and unlawfully distribute and dispense, and did cause the knowing, intentional, and unlawful distribution and dispensing of, a mixture and substance containing a detectable amount of the below-listed controlled substances, not for a legitimate medical purpose and beyond the bounds of medical practice, to the following:

Count	Date	Patient	Controlled Substance	Dosages
7	08/09/99	Rennie Buras, Sr.	Methadone	3,000
8	10/05/99	Rennie Buras, Sr.	Methadone	3,000
9	06/24/02	Rita Carlin	oxycodone	320
10	07/31/02	Rita Carlin	oxycodone	100
11	01/22/01	JF	oxycodone	600
12	01/04/01	Kevin Fuller	oxycodone	1,500
13	11/13/01	Kevin Fuller	oxycodone	1,800
14	05/05/02	Kevin Fuller	oxycodone	1,000
15	04/12/02	Peter Grant	oxycodone	150
16	05/19/02	Peter Grant	Dilaudid	800

17	02/01/01	Cindy Horn	oxycodone	200
18	06/05/02	Cindy Horn	oxycodone	800
19	05/30/00	Linda Lalmond	Morphine (MSIR)	30
20	05/31/00	Linda Lalmond	Morphine (MSIR)	100
21	09/07/00	JL	Dilaudid	1,500
22	3/23/01	JL	Dilaudid	300
23	10/30/01	Bret McCarter	oxycodone	1,500
24	04/10/02	Bret McCarter	oxycodone	140
25	06/03/02	Bret McCarter	oxycodone	300
26	05/23/00	William Mullins	oxycodone	100
27	03/07/01	William Mullins	oxycodone	1,400
28	08/29/00	Mary Nye	oxycodone	600
29	09/15/00	Mary Nye	oxycodone	700
30	11/01/02	Mary Nye	Darvon	100
31	01/31/00	CR	Dilaudid	60
32	04/02/01	LAR	oxycodone	240
33	12/04/01	TMR	oxycodone	900
34	04/24/02	Virginia Santmyers	oxycodone	300

35	10/04/02	Kathy Shortridge	oxycodone	2 vials
36	07/09/02	Patrick Snowden	oxycodone	8,300
37	04/22/02	Peter Tyskowski	oxycodone	200
38	03/18/02	Timothy Urbani	oxycodone	400
39	04/12/02	Timothy Urbani	oxycodone	500
40	07/01/02	Timothy Urbani	oxycodone	110
41	01/26/01	GW	oxycodone	7,600
42	02/28/01	GW	oxycodone	7,600
43	12/10/01	Robert Woodson	oxycodone	800
44	05/29/02	Robert Woodson	oxycodone	300
45	06/18/02	Robert Woodson	oxycodone	1,000

(In violation of Title 21, United States Code, Section 841(a))

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 91 of the this indictment are realleged and incorporated into Count 46 of this indictment.

2. Beginning in or about July, 1998, and continuing to in or about January, 2003, within the Eastern District of Virginia, and elsewhere, the defendant, WILLIAM ELIOT HURWITZ, did knowingly, intentionally, and unlawfully engage in a Continuing Criminal Enterprise, in that he did knowingly, intentionally, and unlawfully violate Title 21, United States Code, Sections 841 and 846, which violations were part of a continuing series of violations of the Comprehensive Drug Abuse Control Act of 1970, Sections 801, et seq., undertaken in concert with at least five other persons with respect to whom the defendant occupied the position of organizer, supervisor, and manager, and from which the defendant obtained substantial income and resources.

(In violation of Title 21, United States Code, Section 848)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 35 of the this indictment are realleged and incorporated into Count 47 of this indictment.

2. Beginning on or about January 10, 2000, to on or about September 27, 2002, within the Eastern District of Virginia, the defendant, WILLIAM ELIOT HURWITZ, did unlawfully, knowingly, and willfully aid and abet Virginia Santmyers in the attempt and execution of a scheme and artifice to defraud a health care benefit program (Virginia Medicaid), to wit: by issuing prescriptions beyond the bounds of medical practice and knowingly causing her to submit claims to Virginia Medicaid for the cost of HURWITZ's prescriptions.

(In violation of Title 18, United States Code, Section 1347)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 35 of the this indictment are realleged and incorporated into Count 48 of this indictment.

2. Beginning on or about April 3, 2000, to on or about September 23, 2002, within the Eastern District of Virginia, the defendant, WILLIAM ELIOT HURWITZ, did unlawfully, knowingly, and willfully aid and abet Patient LAR in the attempt and execution of a scheme and artifice to defraud a health care benefit program (TRICARE), to wit: by issuing excessive prescriptions beyond the bounds of medical practice and knowingly causing her to submit claims to TRICARE for the cost of HURWITZ's prescriptions, after HURWITZ was aware that the patient was a drug abuser and had been fired as a registered nurse for forging prescriptions.

(In violation of Title 18, United States Code, Section 1347)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 35 of the this indictment are realleged and incorporated into Count 49 of this indictment.

2. Beginning on or about January 21, 2001, to on or about November 1, 2002, within the Eastern District of Virginia, the defendant, WILLIAM ELIOT HURWITZ, did unlawfully, knowingly, and willfully aid and abet Mary Nye in the attempt and execution of a scheme and artifice to defraud a health care benefit program (Washington Gas Health and Medical Services), to wit: by issuing prescriptions beyond the bounds of medical practice and knowingly causing her to submit claims to such program for the cost of HURWITZ's prescriptions.

(In violation of Title 18, United States Code, Section 1347)

- 32 -
Forfeiture

THE GRAND JURY FURTHER CHARGES THAT:

The defendant, WILLIAM ELIOT HURWITZ, if convicted of Counts 1-45 of this indictment, shall forfeit to the United States any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of such violation; and any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation, including, but not limited to, the following:

1. \$1,976,000 in U.S. currency, which represents proceeds the defendant obtained, directly or indirectly, as a result of the conspiracy of which he has been charged;
2. \$209,784 seized on or about December 23, 2002, from a Schwab investment account (46037221) of the defendant; and
3. Medical licenses from the District of Columbia, Maryland, and Virginia.

(In violation of Title 21, United States Code, Section 853)

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A TRUE BILL:

Foreperson Of The Grand Jury

Paul J. McNulty
United States Attorney

By: _____
Kevin V. Di Gregory
Acting Chief, Criminal Division

Gene Rossi
Assistant U.S. Attorney

Mark D. Lytle
Special Assistant U.S. Attorney